IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 5657 of 2007(W)

PETITIONER:

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1. S. MADHAVA SARMA, AGED 56 YEARS,
S/O.E.SUBRAMANIAN POTTY, SREEPADAM,
THAMARAKKUDY POST, KALAYAPURAM VIA.,
KOTTARAKKARA-691 560.

2. P.G. MATHAI, AGED 57 YEARS,
S/O.GEEVARGHESE, VARIYAVEEDU,
KIZHAKKETGHERUVU POST,
KOTTARAKKARA-691 542.

3. P. PRAKASH, AGED 56 YEARS,
S/O.N. PADMANABHAN, KOLIAKODU HOUSE,
AYIRAKUZHY POST, CHITHARA, KOLLAM DISTRICT.

4. V.T. ISSAC, AGED 56 YEARS,
S/O.V.O.THOMAS, VADAKKEDATH NEENA NIVAS,
CHENGAMANADU POST, KOTTARAKKARA-691 557.

5. ACCAMMA, ABRAHAM, AGED 55 YEARS,
W/O.P.G.MATHAI, VARIYAVEEDU,
KIZHAKKETHERUVU POST, KOTTARAKKARA-691 542.

BY ADV. SRI.K.P.RAMACHANDRAN
SRI.C.S.MANILAL

RESPONDENTS:

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1. THE SECRETARY, KERALA STATE
ELECTRICITY BOARD, VAIDYUTHI BHAVAN,
PATTOM POST, THIRUVANANTHAPURAM.

2. THE CHIEF INTERNAL AUDITOR,
KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVAN, PATTOM POST,
THIRUVANANTHAPURAM.

ADDL. RESPONDENTS:

3. THE KERALA STATE ELECTRICITY BOARD
REP. BY THE SECRETARY, PATTOM
THIRUVANANTHAPURAM

4. THE CHAIRMAN, KERALA STATE ELECTRCITY BOARD
PATTOM, THIRUVANANTHAPURAM

(ADDL. RESPONDENTS 3 AND 4 IMPLEADED AS PER ORDER ON I.A. 3881/2007 DATED 13.3.2007)

BY SC SHRI. K.S. ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5657 OF 2007

Dated this the 14th March, 2007.

JUDGMENT

The petitioners are retired employees of the Kerala State Electricity Board. While in service, they had raised a claim that their juniors were drawing higher pay than that was granted to them and that their pay shall be stepped up. It appears that, that request was granted. But the respondents simultaneously decided that the special pay which the petitioners were drawing need not be included as part of their pay. In other words, there was a stoppage of the special pay simultaneously on the pay drawn by the petitioners got stepped up with that of the juniors. The petitioners contend that by the stoppage of special pay, the benefit they got by the stepping up has been lost, and therefore, the petitioners should have been allowed to continue to enjoy the special pay along with the stepped up pay in the pay scale. The request made by the petitioners were turned down, and finally, a lawyer notice was caused to be sent to the additional fourth respondent-Chairman of the Board. Ext.P21 is the copy of the lawyer notice sent on behalf of the first petitioner. Counsel for the petitioners submits that the grievance sought to be redressed by petitioners 2 to 5 are also the same and

therefore the contentions urged in Ext.P21 may be treated as contentions urged by the other petitioners as well.

2. Legal Liaison Officer for the respondents submits that in order to consider Ext.P21 on merits certain materials relating to the service records pertaining to the first petitioner are necessary and that for passing final orders pursuant to Ext.P21 some more time would be required.

3. I think, the additional fourth respondent-Chairman has got a duty to send a reply to Ext.P21 after considering the facts and contentions stated therein. Such a reply shall be sent within one month from the date of receipt of a copy of the judgment. Ordered accordingly. I make it clear that reply to Ext.P21 shall be treated as answer to the claim made by the petitioners 2 to 5 also. Needless to state that if the reply sent in response to Ext.P21 happens to be not in favour of the petitioners it will be open to them to seek appropriate remedy at that stage. With the above directions and observations this writ petition is disposed of.

K.K.DENESAN
Judge

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